IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.5205 OF 2006
IN
FIRST APPEAL NO.3098 OF 2006

Shri Shirish Ramdas Sarode ...Applicant

Versus

Shri Anil Rajaram Joshi ...Respondent

Shri A.P.Vanarse for the Applicant.
Shri A.B.Avhad for the Respondent.

CORAM : ABHAY S.OKA, J.
DATED : MARCH 05, 2007.

P.C.:

1. Rule. The Respondent waives service. The Applicant (original Defendant) is a builder and developer by profession. There is a money decree passed against him. The Applicant has deposited only the principal amount with the trial Court. However, he has not deposited the interest part of the decretal amount. If the Applicant wants stay, he will have to deposit the entire decretal amount. Time will have to be granted to the Applicant to deposit balance decretal amount.

2. Hence, Application is disposed of by passing following order:

(i) There will be interim relief in terms of prayer clause (A) subject to condition of the Applicant depositing the entire decretal amount payable as of today with the trial court within a period of six weeks from today. If compliance is not made with the stipulated time, interim relief will stand vacated without further reference to the Court.

(ii) If the amount is deposited within the stipulated time, it will be open for the Respondent to apply to this Court seeking permission to withdraw the said amount.

(iii) It is made clear that the Applicant will be entitled to the adjustment of the amount which is already deposited with the trial Court.

(iv) Application is disposed of in above terms.

JUDGE